

## Joint Standing Committee on Labor

**LD 14**

**An Act to Protect Pensions of Teachers and Public Employees in a Fashion Consistent with Federal ERISA Standards**

**ONTP**

Sponsor(s)  
MILLS  
JOY

Committee Report  
ONTP

Amendments Adopted

LD 14 proposed to provide in statute that the retirement benefits of state employees and teachers under the Maine State Retirement System represent a solemn contractual commitment of the State, the value of which may not be reduced once those benefits are earned. The bill was intended to specifically supplant, with respect to the earned retirement benefits of the named groups of retirement system members, the holding of the United States Court of Appeals for the First Circuit in Parker v. Wakelin et al., 123 F 3d 1 (1997). In that case, the court held that Maine public pension law creates no enforceable private contractual right against the modification of teacher members' retirement benefits until those benefits are actually receivable. The bill would not have limited the ability of the Legislature in the future to reduce public pension retirement benefits prospectively or to remove or to limit the contractual protection provided by this bill with respect to future benefits. Under the bill, however, public employee retirement benefits, once earned, could not be reduced because the value of those benefits is protected under the contract clauses of the Constitution of Maine and the United States Constitution.

See also LD 566 which proposed to amend the Maine Constitution to protect state employee and teacher retirement benefits from the date of hire and LD 267 proposing to reduce from 10 years to 5 years the vesting period for state employees and teachers.

**LD 15**

**An Act to Exempt Owners of Amusement Parks from Paying Overtime**

**ONTP**

Sponsor(s)  
PENDLETON

Committee Report  
ONTP

Amendments Adopted

LD 15 proposed to exempt amusement park owners from paying overtime to their employees.

**LD 23**

**An Act to Increase Health Insurance Benefits for Retired Educators**

**ONTP**

Sponsor(s)  
GAGNE

Committee Report  
ONTP

Amendments Adopted

LD 23 proposed to increase the State's contribution for health insurance for retired educators from 30% to 50%. See also LD's 829, 1614 and 1730.

**LD 41**

**An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2000**

**P & S 16  
EMERGENCY**

Sponsor(s)

Committee Report  
OTP-AM

Amendments Adopted  
H-258

LD 41 proposed to establish the Maine State Retirement System's operating budget for fiscal year 1999-00. The bill identifies the retirement system's personal services costs and its costs for all other operating expenses and indicates how the system's expenses are apportioned among the General Fund, Non-General Fund accounts and Participating Local Districts.

This bill was submitted on behalf of the Maine State Retirement System.

**Committee Amendment "A" (H-258)** proposed to add a fiscal note to the bill.

***Enacted law summary***

Private and Special Law 1999, chapter 16 establishes the administrative operating budget for the Maine State Retirement System for fiscal year 1999-00 in the amount of \$7,992,399. Referral of the bill to the Labor Committee and approval by the Legislature has been required since the system was granted independent agency status in 1993.

Private and Special Law 1999, chapter 16 was enacted as an emergency measure effective July 1, 1999.

**LD 47**

**An Act Pertaining to Health Concerns in the Sale of Certain Personal Garments**

**ONTP**

Sponsor(s)  
BENOIT

Committee Report  
ONTP MAJ  
OTP MIN

Amendments Adopted

LD 47 proposed to authorize the Bureau of Labor Standards to establish rules regulating the return of opened packages of personal undergarments.

**LD 74**

**An Act to Provide Equitable Benefits to Teacher Assistants**

**ONTP**

Sponsor(s)  
BOLDUC

Committee Report  
ONTP

Amendments Adopted

LD 74 is a concept draft pursuant to Joint Rule 208. This bill proposed to give the same benefits to teacher assistants as are given to teachers.

**LD 118****An Act to Exclude Claims for Intentional Criminal Acts from the Application of the Workers' Compensation Act of 1992****DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN	OTP-AM MAJ ONTP MIN	

LD 118 proposed to allow a civil suit to be brought outside the Workers' Compensation Act against an employer who engaged in intentional acts that would be punishable as crimes and that resulted in the employee's injury or death. Under current law, the workers' compensation act is the exclusive remedy for workplace injuries; this bill proposed to create an exception for injuries caused by the employer's intentional criminal acts.

**Committee Amendment "A" (S-227)** proposed to add a right of subrogation for insurers against employers who commit intentional acts punishable as crimes against their employees. (not adopted)

**LD 136****An Act to Forbid Hiring Replacement Workers during a Strike****CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE PARADIS		

LD 136 proposes to repeal the law prohibiting an employer from hiring replacement workers during a strike, since those laws have been ruled preempted by federal law. It also proposes to require that the contract between an employer and replacement workers provide that, when the strike is settled or the employees offer unconditionally to return to work, the replacement workers will not be retained in preference to the strikers.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

**LD 156****An Act to Amend the Laws Regarding the Maine Jobs Council****PUBLIC 6**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH	OTP	

LD 156 proposed to amend the laws governing the Maine Jobs Council. Under current law, each of the council's committees is allowed to have up to 12 members, with no more than four of those committee members being noncouncil members. This bill proposed to allow up to eight noncouncil members to sit on each committee.

This bill was submitted on behalf of the Department of Labor.

***Enacted law summary***

Public Law 1999, chapter 6 changes the laws governing the Maine Jobs Council to allow up to eight persons who are not members of the Council to sit on each of the council's committees. Current law allows up to four persons who are not members to sit on each of the committees.

**LD 159****An Act to Allow the Bureau of Labor Standards to Better Secure  
Payment of Unpaid Wages and Severance Pay for Workers****PUBLIC 28**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH MICHAUD	OTP	

LD 159 proposed to create a process for the Bureau of Labor Standards to file a lien against the real or personal property of an employer who has failed to pay wages or severance pay due under state law.

This bill was submitted on behalf of the Department of Labor.

***Enacted law summary***

Public Law 1999, chapter 28 creates a process by which the Bureau of Labor Standards may file a lien against the real or personal property of an employer who has failed to pay wages or severance pay due under state law.

**LD 225****An Act to Amend the Maine Workers' Compensation Act of 1992 as it  
Relates to Compensation for Amputation of a Body Part****VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN	OTP      A	S-380   LAFOUNTAIN
	ONTP     B	
	OTP-AM   C	

LD 225 proposed to amend the workers' compensation law to provide a lump sum benefit in addition to weekly benefits when the employee's injury is an amputation of a body part. The amount of the lump sum benefit would be equal to the amount of the weekly benefit times the period of presumed incapacity set forth in statute, which ranges from 8 weeks to 800 weeks.

**Committee Amendment "A" (H-500)**, a minority report of the committee, proposed to make the change applicable only to injuries that occur on or after January 2, 2000 instead of injuries that occur on or after January 1, 1993. (not adopted)

**Senate Amendment "A" (S-380)** proposed to make the change applicable only to injuries that occur on or after January 2, 2000 instead of injuries that occur on or after January 1, 1993.

**LD 261****Resolve, to Direct the Department of Labor to Determine the Cost of  
Providing Toll-free Telephone Access to All Mainers to Apply for  
Unemployment Compensation Benefits****RESOLVE 25**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN	OTP-AM	H-259

LD 261 proposed to require the Department of Labor to set up and operate employment offices in the 16 counties of the State and to set up a toll-free telephone number for each office.

**Committee Amendment "A" (H-259)** proposed to replace the bill and to require the Department of Labor to investigate methods of providing toll-free telephone access to state offices that process claims for unemployment compensation and to report the methods and cost information to the Joint Standing Committee on Labor by November 15, 1999.

*Enacted law summary*

Resolve 1999, chapter 25 requires the Department of Labor to investigate methods of providing toll-free telephone access to state offices that process claims for unemployment compensation and to report the methods and cost information to the Joint Standing Committee on Labor by November 15, 1999.

**LD 267                      An Act to Amend the Laws Relative to Vesting in the Maine State Retirement System and to Protect Retirement Benefits Once the Right to those Benefits has Attached                      PUBLIC 489**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH KONTOS	OTP-AM	H-652 H-670 HATCH S-431 MICHAUD

LD 267 proposed lowering the vesting period for retirement benefits from 10 to 5 years for state employees, teachers and legislators.

**Committee Amendment "A" (H-652)** proposed to replace the bill while incorporating elements of the bill and Legislative Documents 14 and 566. The provisions proposed by the amendment would apply to eligibility for, qualification to receive, calculation of and certain other aspects concerning retirement benefits under the Maine State Retirement System for teachers and state employees.

The amendment proposed to establish a set of retirement benefits listed in the amendment as solemn contractual commitments of the State protected under the contract clauses of the Constitution of Maine and United States Constitution once the right to those benefits attaches. Under the amendment, the right to benefits would attach when a member has attained the amount of service credit needed for retirement and, where required, has met the related age requirements. The amendment proposed to reduce the minimum amount of service credit required to qualify for a retirement benefit from the current 10 years to 5 years for employees in service on the effective date, first employed after the effective date and, in certain circumstances, reemployed after the effective date of the bill. Former employees not in service on the effective date who do not later become reemployed would continue to be subject to the 10-year minimum creditable requirement for eligibility and for protection of benefits.

The amendment proposed to protect the following retirement benefits once at least 5 years of service credit have been accumulated:

1. The amount of service credit required for eligibility to receive a benefit upon qualifying to retire;
2. The normal retirement age of 60 or 62 years of age or the age established in a special retirement plan;
3. The amount of service credit required for eligibility to retire before normal retirement age and the related reduction in benefits;

4. The method used to calculate the retirement benefit, including use of the 3 highest years, the 5% and 10% caps on increases in earnings in the 3 highest years and the use of sick or vacation leave when applicable; and
5. The post-retirement waiting period for commencement of cost-of-living adjustments to service retirement benefits.

In addition, the amendment proposed that the employee contribution rate may be increased for members who have achieved protection only to pay for increased benefits or to maintain the actuarial soundness of the retirement system as required by the Constitution of Maine.

Any benefit or related provision not listed in the amendment could be changed or eliminated by the Legislature and the Legislature could change any provision of the retirement law for employees not having the minimum amount of creditable service for eligibility and protection.

This amendment also proposed to add a fiscal note to the bill.

**House Amendment "A" to Committee Amendment "A" (H-670)** proposed replacing the original fiscal note in order to correctly reflect the impact of the committee amendment by eliminating reference to “accrued” benefits.

**Senate Amendment "A" to Committee Amendment "A" (S-431)** proposed to strike the General Fund appropriations and Highway Fund allocations included in the original bill. It proposed that appropriated surplus that would otherwise be payable to the Retirement Allowance Fund under the Maine Revised Statutes, Title 5, section 1517, in an amount up to \$2,308,986, be transferred to cover the unfunded liability costs and normal cost increases for teachers.

#### ***Enacted law summary***

Public Law 1999, chapter 489 reduces the “vesting” period for state employees and teachers from 10 to 5 years and invokes the Contract Clauses of the Maine and United States Constitutions to protect the retirement benefits of those employees once vested.

Chapter 489 is intended to specifically supplant the holding of the United States Court of Appeals for the First Circuit in *Parker v. Wakelin et al.* 123 F.3d 1 (1997) with respect to retirement benefits listed in the law from the time the right to receive those benefits attach. *Parker* held that Maine State Retirement law creates no enforceable private contractual right preventing the modification of members' retirement benefits until those benefits are actually receivable. Chapter 489 establishes the listed benefits as solemn contractual commitments of the State protected under the contract clauses of the Constitution of Maine and United States Constitution once the right to those benefits attaches. The right to benefits attaches when a member has attained the amount of service credit needed for retirement and, where required, has met the related age requirements. The minimum amount of service credit required to qualify for a retirement benefit is reduced from the current 10 years to 5 years for employees in service on the effective date, first employed after the effective date and, in certain circumstances, reemployed after the effective date of the Act. Former employees not in service on the effective date who do not later become reemployed continue to be subject to the 10-year minimum creditable requirement for eligibility and for protection of benefits.

The following retirement benefits are protected once at least 5 years of service credit have been accumulated:

1. The amount of service credit required for eligibility to receive a benefit upon qualifying to retire;
2. The normal retirement age of 60 or 62 years of age or the age established in a special retirement plan;
3. The amount of service credit required for eligibility to retire before normal retirement age and the related reduction in benefits;
4. The method used to calculate the retirement benefit, including use of the 3 highest years, the 5% and 10% caps on increases in earnings in the 3 highest years and the use of sick or vacation leave when applicable; and

5. The post-retirement waiting period for commencement of cost-of-living adjustments to service retirement benefits.

In addition, the employee contribution rate may be increased for members who have achieved protection only to pay for increased benefits or to maintain the actuarial soundness of the retirement system as required by the Constitution of Maine.

Any benefit or related provision not listed in the amendment may be changed or eliminated by the Legislature and the Legislature may change any provision of the retirement law for employees not having the minimum amount of creditable service for eligibility and protection.

To cover the unfunded liability costs and normal cost increases for teachers, the Act provides for the transfer of up to \$2,308,986 of appropriated surplus that would otherwise be payable to the Retirement Allowance Fund under the Maine Revised Statutes, Title 5, section 1517.

## LD 277

### An Act to Prohibit the Employment of Minors in Places Providing Nude Entertainment

PUBLIC 30

Sponsor(s)  
HATCH

Committee Report  
OTP

Amendments Adopted

Under current law, the Director of the Bureau of Labor Standards is required to establish by rule a list of occupations that are not suitable for minors, including occupations that are hazardous, dangerous to life, health or limb or injurious to morals. LD 277 proposed to require that employment in places having nude entertainment be included in that list.

This bill was submitted on behalf of the Department of Labor.

#### *Enacted law summary*

Public Law 1999, chapter 30 requires that places having nude entertainment be included in the list of occupations not suitable for minors. The list is required to be adopted by the Department of Labor.

## LD 284

### An Act to Increase the Number of Members of the Board of Trustees of the Maine State Retirement System

ONTP

Sponsor(s)  
FULLER  
DAGGETT

Committee Report  
ONTP

Amendments Adopted

LD 284 proposed to add one member to the Board of Trustees of the Maine State Retirement System, who must be selected from a list of three nominees submitted by the Maine Association of Retirees. Currently the board consists of 8 members.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO	ONTP	

LD 290 proposed to repeal the requirement that a recipient of optional, reduced benefits under the Maine State Retirement System who desires to change the beneficiary of survivor benefits must obtain the agreement of the recipient's spouse or former spouse in the event of divorce if the spouse was originally named the beneficiary. The bill would have allowed the recipient to name a new beneficiary after a divorce without obtaining the permission of the spouse originally named the beneficiary.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL	ONTP MAJ OTP-AM MIN	H-477 S-361 MILLS S-412 MICHAUD

LD 292 proposed to repeal the law requiring certain employers, such as mercantile, hotel and manufacturing employers, to pay their employees weekly.

**Committee Amendment “A” (H-477)** proposed to replace the bill. It proposed to repeal the weekly pay requirement and substitute a general rule requiring most employees to be paid at least semimonthly. An employer that paid more frequently than semimonthly would be required to give employees at least 30 days’ notice before extending the payment interval. The amendment proposed to exclude from the requirement family members of the employer and bona fide executive, administrative and professional employees who are paid an annual salary of at least 3000 times the minimum wage. The amendment proposed to specify when an employee is entitled to receive remedies for unpaid wages.

**Senate Amendment “A” to Committee Amendment “A” (S-361)** proposed that wages be paid at intervals not to exceed 16 days.

**Senate Amendment “E” to Committee Amendment “A” (S-412)** proposed to strike the appropriation to the Department of Labor for revising the Regulation of Employment poster, because the revision was funded in a different bill.

### *Enacted Law Summary*

Public Law 1999, chapter 465 repeals the law requiring certain employers to pay their employees weekly and replaces it with a law requiring all employers to issue paychecks to employees at regular intervals not to exceed 16 days. Each payment must include wages earned to within 8 days of payday. An employer that issues paychecks at intervals less than 16 days may not lengthen the interval without giving employees at least 30 days’ notice of the change. Family members of the employer and bona fide executive, administrative and professional employees who earn an annual salary of at least 3000 times the minimum wage are exempt from the requirement.

The law also specifies that an employee becomes eligible for remedies for unpaid wages 8 days after the due date for payment, if there is no dispute over the amount due, and 8 days after demand when there is a dispute that has been resolved and the amount is in fact owed.



**LD 302****An Act to Repeal the Prevailing Wage****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATERHOUSE	ONTP MAJ OTP-AM MIN	

LD 302 proposed to repeal the laws requiring that workers employed in the construction of public works be paid a wage of no less than the prevailing hourly rate of wages and benefits for work of a similar character in this State.

**Committee Amendment “A” (H-304)**, the minority report of the committee, proposed to add an appropriation section and a fiscal note to the bill. (not adopted)

**LD 330****An Act to Prohibit the Replacement of Striking Workers****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART HATCH	ONTP	

LD 330 proposed to prohibit an employer from hiring replacement workers during a labor dispute and to repeal the current law that makes it a Class D crime for a person involved in a labor dispute to be armed with a dangerous weapon.

**LD 339****An Act to Amend the Law Regarding Leaves of Absence for Legislative Service****DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH	OTP-AM A OTP-AM B OTP-AM C ONTP D	

LD 339 proposed to remove the 2-year time limit on the leave of absence that an employer must grant an employee to serve as a Legislator.

**Committee Amendment “A” (H-354)** proposed to increase the number of terms for which an employer must give a leave of absence from one term to 4 terms (8 years). The amendment also proposed to clarify that the parties to an appeal of the leave requirement share in paying for the services of the State Board of Arbitration and Conciliation, which hears the appeal. (not adopted)

**Committee Amendment “B” (H-355)** proposed to increase the number of terms for which an employer must grant a leave of absence from one term to 2 terms (4 years) and to raise the threshold for size of employer subject to the law from 5 employees to 15 employees. It also proposed to clarify that the parties to an appeal of the leave requirement share in paying for the services of the State Board of Arbitration and Conciliation, which hears the appeal. (not adopted)

**Committee Amendment “C” (H-356)** did not propose a change in the length of leave an employer must grant. It proposed to raise the threshold for size of employer subject to the law from 5 employees to 15 employees and to clarify that the parties to an appeal of the leave requirement share in paying for the services of the State Board of Arbitration and Conciliation, which hears the appeal. (not adopted)

**LD 349****An Act to Require the State to Pay Medicare Costs for Retired State Employees and Retired Teachers****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER DOUGLASS	ONTP	

LD 349 proposed that the Maine State Retirement System pay Medicare Part B premiums for state retirees and retired teachers. See also LD 919.

**LD 357****An Act Raising the Minimum Wage****CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH DOUGLASS		

LD 357 proposes to send to referendum a proposed increase in the minimum wage to \$5.50 per hour beginning January 1, 2000 and to \$6.00 per hour beginning January 1, 2001. The proposal also requires the Director of the Bureau of Labor Standards to adjust the minimum wage by the percent change in the CPI, on January 1, 2002 and annually thereafter.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

**LD 375****An Act to Amend the Obligations of Direct Reimbursement Employers****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE WHEELER G	ONTP MAJ OTP-AM MIN	

LD 375 proposed to repeal the provision of law that required employers who are direct reimbursement employers for unemployment benefits to make payments for employees who are ineligible for benefits when they terminate employment with that employer, if they later become eligible for benefits upon termination of subsequent employment.

**Committee Amendment “A” (S-310)**, the minority report of the committee, proposed that wages earned during employment from which a person is discharged for gross or aggravated misconduct are removed from the employee’s base period wages under the unemployment compensation laws. Removal of wages may result in a lower unemployment benefit or disqualification for receipt of benefits. (not adopted)

**LD 380****An Act to Repeal Certain Changes Made to State Employee and Teacher Retirement Benefits****ONTP**

Sponsor(s)  
BERRY D  
DAGGETT

Committee Report  
ONTP

Amendments Adopted

LD 380 proposed to repeal the 1.15% increase in employee contributions (increasing employee contributions to the current rate of 7.65% of earnable compensation) and reinstate the cost-of-living adjustment for retirement system members retiring before normal retirement age who had less than 10 years of creditable service on July 1, 1993. Those elements of the retirement plan for state employees and teachers were changed in 1993 as part of cost savings measures to balance the budget. See also LD's 847 and 1622.

**LD 400****An Act to Exempt Volunteer Fire Departments from Health and Safety Laws****ONTP**

Sponsor(s)  
PERKINS

Committee Report  
ONTP

Amendments Adopted

LD 400 proposed to exempt volunteer fire departments from state law establishing safety standards.

**LD 423****An Act to Provide an Option for Employers to Pay Employees Biweekly****ONTP**

Sponsor(s)  
BUCK  
GOLDTHWAIT

Committee Report  
ONTP MAJ  
OTP-AM MIN

Amendments Adopted

LD 423 proposed to repeal the law requiring employers to pay their employees weekly and to give employers the option to pay their employees biweekly. See also LD 292.

**Committee Amendment “A” (H-349)**, the minority report of the committee, proposed to replace the bill. It proposed to amend the weekly pay law to allow camp counselors to be paid less often than weekly if the employee requested in writing to be paid less often. (not adopted)

**LD 427****An Act to Raise the Minimum Wage****ONTP**

Sponsor(s)  
DUNLAP  
CATHCART

Committee Report  
ONTP

Amendments Adopted

LD 427 proposed to raise the minimum wage by 10 cents per hour.

**LD 459****An Act to Ensure Equity in the Competitive Bidding Process for Construction Projects Supported by Public Funds****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUCK	ONTP MAJ OTP-AM MIN	

LD 459 proposed to exclude union or nonunion status as a factor in the competitive bidding process for construction projects supported by public funds.

**Committee Amendment “A” (H-302)**, the minority report of the committee, proposed to clarify that the bill does not impose a requirement for competitive bidding. It proposed to prohibit exclusion of bidders on the basis of union or nonunion status when competitive bidding is otherwise required. (not adopted)

**LD 476****An Act to Prohibit the Negotiation of Severance Pay Lower than the State Minimum****PUBLIC 55**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD STANLEY	OTP MAJ ONTP MIN	S-17 DOUGLASS

LD 476 proposed to prohibit employers from negotiating severance pay that is lower than that required by state law for employees not covered by collective bargaining agreements. Current law requires severance pay of one week’s pay for each year of employment in the covered establishment.

**Senate Amendment "A" (S-17)** proposed to replace the bill to simplify the wording of the bill and to clarify that the exemptions from severance pay liability refer only to exemptions from liability imposed by that section of law, not to obligations imposed by other means such as through collective bargaining.

***Enacted law summary***

Public Law 1999, chapter 55 prohibits employers from negotiating for a severance pay obligation that is lower than required by state law for employees not covered by collective bargaining agreements. Current law requires one week’s pay for each year of employment in the covered establishment.

**LD 506****An Act to Extend the Department of Labor Contribution Rate Table****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY	ONTP	

LD 506 proposed to extend the Department of Labor rate table for determining unemployment compensation contributions.

**LD 555****Resolve, to Require the Department of Labor to Establish a Living Wage****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TWOMEY	ONTP	

LD 555 proposed to require the Department of Labor to establish a living wage to replace the minimum wage statewide, taking into consideration expenditures for an average household in Maine.

**LD 566****Resolution, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNE NUTTING J	ONTP	

LD 566 proposed to amend the Maine Constitution to make membership for state employees and teacher in the Maine State Retirement System a contractual relationship between the State and those employees, the benefits of which may not be diminished or impaired. Pension benefits could be reduced only for public employees hired after the effective date of a law diminishing benefits.

**LD 574****An Act to Repeal the Chemical Substance Identification Law****PUBLIC 57**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH MILLS	OTP-AM MAJ ONTP MIN	H-53

LD 574 proposed to repeal the state chemical substance identification law, which required employers to communicate information regarding chemicals in the workplace to workers and to the Bureau of Labor Standards. The provisions of that law have been superseded by federal law and regulation.

This bill was submitted on behalf of the Department of Labor.

**Committee Amendment "A" (H-53)** proposed to clarify that the Board of Pesticide Control is not responsible for enforcement inspections under the law being repealed, and to clarify that the board must assist the Director of the Bureau of Labor Standards in providing training and education to agricultural employers, rather than giving the board sole responsibility to provide that education and training.

#### *Enacted law summary*

Public Law 1999, chapter 57 repeals the state chemical substance identification law, which has been superseded by federal law and regulations. The law also clarifies the responsibilities of the Board of Pesticide Control with regard to training and educating agricultural employers.

**LD 584****An Act to Eliminate the Requirement for an Independent Medical Examination under Certain Circumstances****ONTP**Sponsor(s)  
DAGGETTCommittee Report  
ONTPAmendments Adopted

LD 584 proposed to remove the requirement that an employee undergo an independent medical examination under the workers' compensation laws if a medical specialist's report is made available to the parties within a reasonable period of time after an independent medical examination is requested or ordered.

**LD 586****An Act to Abolish Apportionment in Workers' Compensation Claims****CARRIED OVER**Sponsor(s)  
MILLSCommittee ReportAmendments Adopted

LD 586 proposes to adopt the “last injury rule” for determining who is responsible for paying workers’ compensation benefits when an employee suffers two or more consecutive work-related injuries. Current law requires the apportionment of liability among insurers providing coverage during any of the injuries; LD 586 proposes to make the last insurer responsible for the entire injury.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

**LD 646****An Act to Reform the Unemployment Compensation System****ONTP**Sponsor(s)  
MILLSCommittee Report  
ONTPAmendments Adopted

LD 646 proposed to make several changes in the state unemployment compensation laws to improve the solvency of the unemployment compensation fund, including raising the taxable wage base from \$7,000 to \$12,000, lowering the cap on benefits, providing for two-quarter averaging of wages used to determine the benefit, and use of an array system to determine the tax rate that an employer pays.

**LD 670****An Act to Require That Workers' Compensation Coverage Be Equitably Applied to the Timber Industry****PUBLIC 364**Sponsor(s)  
NUTTING J  
HATCHCommittee Report  
OTP-AM MAJ  
OTP-AM MINAmendments Adopted  
S-269

LD 670 proposed to require all persons engaged in harvesting forest products to carry workers' compensation insurance, except an individual who contracts directly with the landowner to harvest the wood and who performs all of the wood harvesting alone or with certain closely-related family members.

**Committee Amendment "A" (S-269)** was the majority report of the committee. It proposed to specify that all persons engaged in harvesting forest products are “employees” under the workers' compensation law, except a person who obtains a certificate of independent status or a predetermination of independent contractor status and who contracts

directly with the landowner and performs all the work alone, with family members, with others who are covered by a workers' compensation policy or with a partner who does not control that person. The family members, partner and persons covered by policies working with the person who contracts directly with the landowner would also be excluded from the definition of employee. The amendment proposed that persons who are considered employees must be covered by an employer's policy or obtain personal workers' compensation coverage.

The amendment also proposed that a landowner who contracts with a person to harvest forest products would be protected from liability if the landowner obtained from the contractor a certificate of independent status, a predetermination of independent contractor status or a certificate showing that the contractor was insured under a workers' compensation policy. In addition to issuing predeterminations of independent contractor status on a contract-specific basis, the Workers' Compensation Board would be authorized to issue an annual certificate of independent status to a contractor based on similar factors to those examined in issuing the predetermination.

**Committee Amendment “B” (S-270)**, the minority report of the committee, proposed to replace the bill. It provided for an annual predetermination process for persons who harvest forest products and provided for landowner immunity from liability for persons who receive a copy of the harvester’s predetermination. (not adopted)

*Enacted law summary*

Public Law 1999, chapter 364 specifies that all persons engaged in harvesting forest products are “employees” under the workers' compensation law, except a person who obtains a certificate of independent status or a predetermination of independent contractor status and who contracts directly with the landowner and performs all the work alone, with family members, with others who are covered by a workers' compensation policy or with a partner who does not control that person. The family members, partner and persons covered by policies working with the person who contracts directly with the landowner are also excluded from the definition of employees. Persons who are considered employees must be covered by an employer's policy or obtain personal workers' compensation coverage.

A landowner who contracts with a person to harvest forest products is protected from liability if the landowner obtains from the contractor a certificate of independent status, a predetermination of independent contractor status or a certificate showing that the contractor is insured under a workers' compensation policy. In addition to issuing predeterminations of independent contractor status on a contract-specific basis, the Workers' Compensation Board may issue an annual certificate of independent status to a contractor based on similar factors to those examined in issuing the predetermination.

**LD 702**

**An Act to Revise the Fact-finding Process under the Public Employees Labor Relations Laws**

**DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	ONTP      MAJ OTP-AM    MIN	

LD 702 proposed that facts found by unanimous vote of a three member fact-finding panel are binding on the parties in future proceedings under the various public employees labor relations laws, including the law governing municipal, state, judicial and University of Maine System employees.

**Committee Amendment “A” (H-352)**, the minority report of the committee, proposed to clarify the intent of the bill by providing that the unanimous recommendations of the panel are binding, not the findings of fact. (not adopted)

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	S-239
	OTP-AM MIN	

LD 762 proposed to eliminate the requirement that the Employment Rehabilitation Fund reimburse employers and insurers for benefits paid to employees pursuant to the benefit adjustment laws for employees with partial incapacity.

This bill was submitted on behalf of the Workers' Compensation Commission.

**Committee Amendment "A" (S-239)**, the majority report of the committee, proposed to continue reimbursement from the Employment Rehabilitation Fund for additional weeks of benefits payable under the benefits adjustment law for injuries that occurred prior to January 1, 2000 and to discontinue reimbursement of payments relating to injuries occurring on or after January 1, 2000.

**Committee Amendment "B" (S-240)**, the minority report, proposed to discontinue reimbursement from the Employment Rehabilitation Fund for injuries occurring on or after January 1, 2000, as in the majority report. The minority report also proposed to eliminate the adjustment of the maximum number of weeks of benefits and the adjustment to the impairment threshold for injuries occurring on or after January 1, 2000. (not adopted)

#### *Enacted law summary*

Public Law 1999, chapter 404 eliminates the requirement that the Employment Rehabilitation Fund reimburse employers and insurers for benefits paid to employees pursuant to the benefits adjustment for partial incapacity for injuries occurring on or after January 1, 2000. The law does not change the amount of benefit paid to employees.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH	OTP-AM MAJ	
DOUGLASS	ONTP MIN	

LD 776 proposed to repeal the law allowing an employer to select a health care provider for an injured employee for the first 10 days of health care under the workers' compensation laws.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH	ONTP	
DOUGLASS		

LD 778 proposed to repeal the law allowing employers, insurers and self-insurers to discontinue or reduce workers' compensation payments before a matter in dispute has been resolved.



**LD 785****An Act to Restore State Funding for Mediation Services Provided by the  
Maine Labor Relations Board****DIED BETWEEN  
BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH	OTP-AM      MAJ	
DOUGLASS	ONTP        MIN	

LD 785 proposed to restore state funding for mediation services provided by the State under the municipal public employee labor relations laws.

**Committee Amendment "A" (H-357)** proposed to improve readability of the law relating to funding of mediation services and to clarify that the State pays for the first three days of mediation of disputes and the parties share equally the costs of mediation sessions after the first three days. (not adopted)

**LD 787****An Act to Amend the Membership of the Commission on Safety and  
Health in the Maine Workplace****PUBLIC 162**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH	OTP-AM	H-260
DOUGLASS		

LD 787 proposed to amend the laws governing the Commission on Safety and Health in the Maine Workplace to provide for a term of office for the commission's chair and vice-chair, provide for appointment of a vice-chair from the membership, and make the Commissioner of Labor, currently ex officio vice-chair, a regular member and allow the commissioner to appoint a designee to represent the department.

This bill was submitted on behalf of the Department of Labor.

**Committee Amendment "A" (H-260)** proposed to remove language allowing the Commissioner of Labor to appoint a designee to serve in the commissioner's place on the commission. It also proposed to allow the members of the commission to appoint the chair and vice-chair of the commission by majority vote, rather than having the Governor make the appointments.

***Enacted law summary***

Public Law 1999, chapter 162 changes the law regarding the Commission on Safety and Health in the Maine Workplace to allow the commission to appoint a chair and vice-chair from among its members by majority vote and to provide a two-year term of office for the chair and vice-chair. It also provides that the Commissioner of Labor is an ex officio, nonvoting member of the commission. Under current law, the Governor appoints the chair of the commission and the Commissioner of Labor serves as vice-chair of the commission.

**LD 796****An Act to Require Employees to be Paid at Least Once Every 2 Weeks****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AMERO MARVIN	ONTP	

LD 796 proposed to require employers to pay their employees at least once every two weeks and proposed to make the change retroactive to January 1, 1988. See also LD 292.

**LD 806****An Act to Provide Adjustments to Accommodate Increases in the Cost of Living for Injured Workers****VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART SAXL M	OTP-AM MAJ ONTP MIN	S-189

LD 806 proposed to allow annual cost-of-living adjustments in workers' compensation benefits for an employee who was injured on or after January 1, 1993, experienced total incapacity or partial incapacity that meets statutory thresholds and has reached the 6th anniversary of the injury. The proposed adjustment could not exceed 3%.

**Committee Amendment "A" (S-189)** proposed to make the cost-of-living adjustment prospective for injuries occurring on or after January 1, 2000 instead of retroactive to January 1, 1993 as in the bill.

**LD 810****An Act to Encourage Responsible Employment Practices****CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART SHIAH		

LD 810 proposes to require employers who wish to contract with the State to perform public improvement or public works projects to meet certain criteria, including providing health insurance and a minimum employer contribution to all employees, providing a state-approved training or apprenticeship program and other criteria established by the Bureau of General Services.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

**LD 821****Resolve, to Amend the Qualifications for Participation in the Governor's Training Initiative Program****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER E	ONTP	

LD 821 proposed to require the Department of Labor and the Department of Economic and Community Development to revise rules setting forth selection criteria for funding under the Governor's Training Initiative Program. It proposed

that the rules be amended to allow businesses to qualify even if they have a waiting period or a minimum work week to receive an employer contribution to health insurance premiums, or a graduated contribution schedule.

**LD 829**                      **An Act to Increase the State's Contribution for the Cost of Health Insurance Premiums for Retired Educators**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY D PENDLETON	ONTP	

LD 829 proposed to increase the State's contribution for health insurance for retired educators from 30% to 50%. See also LD's 23, 1614 and 1730.

**LD 835**                      **Resolve, Establishing a Commission to Study the Interrelationship Among the Maine State Retirement System, Social Security and Tax-advantaged Accounts**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURPHY T		

LD 835 proposes to establish the Commission to Study the Interrelationship among the Maine State Retirement System, federal Social Security System and tax-advantaged retirement accounts. The bill proposed a study commission consisting of 12 members, 6 with expertise or experience in retirement systems and 6 who are Legislators. The commission would report to the Second Regular Session of the 119th Legislature and the Joint Standing Committee on Labor.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

**LD 838**                      **An Act to Provide Paralegal Assistants to the Workers' Compensation Advocate Program and an Auditor to the Monitoring, Auditing and Enforcement Program**                      **PUBLIC 359**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TESSIER KONTOS	OTP-AM    MAJ ONTP       MIN	H-350

LD 838 proposed to establish 9 new paralegal assistant positions for the Workers' Compensation Board so that a Paralegal Assistant can be assigned to each Workers' Compensation Advocate employed by the board. It also proposed to increase the assessment limit of the board from \$6.6 million to \$7 million in order to allow sufficient funding levels for the new positions.

**Committee Amendment "A" (H-350)** proposed to replace the bill. It proposed to add one auditor and 2 paralegal assistant positions to the Workers' Compensation Board, instead of providing for 9 paralegal positions. It also proposed to provide for a cap of \$6,735,000 on the assessments against insurers and self-insurers instead of \$7,000,000, as provided in the bill.

***Enacted law summary***

Public Law 1999, chapter 359 adds one auditor and 2 paralegal assistant positions to the Workers' Compensation Board and increases the assessment limit of the board from \$6.6 million to \$6.735 million in order to allow sufficient funding levels for the new positions.

**LD 840                      An Act to Provide Binding Arbitration for Police Departments, Sheriff Departments and Professional Fire Departments                      DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MUSE	ONTP      MAJ OTP-AM      MIN	

LD 840 proposed to make arbitration by employees of sheriff departments, police departments and professional fire departments binding with respect to monetary matters as well as all other matters.

**Committee Amendment “A” (H-351)**, the minority report of the committee, proposed to extend the binding arbitration on monetary issues to law enforcement officers employed by the State as well as for local officers. It also proposed to subject the arbitrator’s decision to a referendum for approval if the employer so requested. (not adopted)

**LD 847                      An Act to Reduce State Employee and Teacher Contributions to the Maine State Retirement System                      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN PARADIS	ONTP	

LD 847 proposed to remove the 1.15% increase in the employee contribution to the Maine State Retirement System (increasing the employee contribution rate to the current 7.65%) enacted with the benefit changes of 1993 and to return the contribution rate to 6.5% of earnable compensation. See also LD’s 380 and 1622.

**LD 880                      An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Employees of Public Higher Education Institutions Who Have Been Employed for Less than 6 Months                      VETO SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAKER PARADIS	OTP      MAJ ONTP      MIN	

LD 880 proposed to extend collective bargaining rights to persons employed in public higher education for less than six months.

**LD 892**

**An Act to Transfer Responsibilities of the Advisory Committee on  
Improving Outdoor Recreational Opportunities for Persons with  
Disabilities to the Statewide Independent Living Council**

**PUBLIC 58**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH MILLS	OTP	

LD 892 proposed to repeal the Advisory Committee on Improving Outdoor Recreational Opportunities for Persons with Disabilities and transfer its responsibilities to the Statewide Independent Living Council administered by the Department of Labor, Bureau of Rehabilitation Services.

This bill was submitted on behalf of the Department of Labor.

***Enacted law summary***

Public Law 1999, chapter 58 repeals the Advisory Committee on Improving Outdoor Recreational Opportunities for Persons with Disabilities and transfers its responsibilities to the Statewide Independent Living Council administered by the Department of Labor, Bureau of Rehabilitation Services. The purpose of the transfer is to allow recreational opportunities, including indoor recreational activities, to be considered within the broader context of independent living issues.

**LD 919**

**An Act to Require the State to Pay Medicare Costs for Retired State  
Employees and Retired Teachers**

**INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMSON DOUGLASS	OTP-AM MAJ ONTP MIN	H-358

LD 919 proposed to require the State to pay Medicare Part B premiums for state retirees and retired teachers.

**Committee Amendment "A" (H-358)** proposed to clarify that it is the responsibility of the State to pay the Medicare Part B premiums required in the bill. The amendment also proposed to add an appropriation section and a fiscal note to the bill.

The bill died on the Appropriations Table.

**LD 944**

**An Act to Protect Victims of Crimes in the Workplace**

**PUBLIC 435**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL M CATHCART	OTP-AM MAJ OTP-AM MIN	H-642

LD 944 proposed to make discrimination in employment against victims of domestic violence a violation of the fair employment laws under the Maine Human Rights Act.

**Committee Amendment "A" (H-642)**, the majority report of the committee, proposed to replace the bill. It proposed to allow an employee who is a victim of violent crime or abuse to take leave from work to participate in legal proceedings, obtain medical treatment and tend to other crises created by the violence or abuse. The amendment proposed that the

leave be with or without pay, at the employer's discretion and that the employer may refuse to grant leave if the employer would sustain undue hardship as a result of the leave, the request for a leave was not communicated to the employer in a timely manner, or the leave was impractical, unreasonable or unnecessary. The amendment proposed to require the Department of Labor to report back to the Labor Committee by December 31, 1999 on workplace safety as it relates to violent crime.

**Committee Amendment "B" (H-643)**, the minority report of the committee, proposed to replace the bill. It proposed to prohibit an employer from discharging or terminating an employee or the employee's health insurance because the employee takes time off to attend court as a witness in a criminal case involving domestic violence or to obtain a protection from abuse order. It also proposed to require the Department of Labor to include information about workplace violence, including domestic violence, in its safety education and training programs. Finally, it proposed to create a legislative commission to examine the nature and extent of the problem of domestic violence as it relates to the workplace and to make recommendations to the Legislature. (not adopted)

#### *Enacted Law Summary*

Public Law 1999, chapter 435 requires employers to grant leave, with or without pay, to an employee who is a victim of violent crime or abuse to enable the employee to participate in legal proceedings, obtain medical treatment and tend to other crises created by the violence or abuse. The employer may refuse to grant leave if the employer would sustain undue hardship as a result of the leave, the request for a leave was not communicated to the employer in a timely manner, or the leave is impractical, unreasonable or unnecessary. The law requires the Department of Labor to report back to the Labor Committee by December 31, 1999 on workplace safety as it relates to violent crime.

## **LD 960**

### **An Act to Allow the Bureau of Labor Standards to Assess Administrative Civil Money Penalties for Labor Law Violations**

**PUBLIC 181**

Sponsor(s)  
HATCH

Committee Report  
OTP-AM

Amendments Adopted  
H-261  
H-327 CAMERON

LD 960 proposed to allow the Director of Labor Standards to assess civil money penalties of up to \$1,000 for violation of employment and child labor laws and up to \$500 for failure to respond to surveys or questions proposed by the director under statutory authority. The bill also proposed to require the director to establish rules that include an appeal procedure and a structure for determining the level of penalty.

This bill was submitted on behalf of the Department of Labor.

**Committee Amendment "A" (H-261)** proposed to limit the amount of the forfeiture that the Director of the Bureau of Labor Standards may assess to \$1,000 or the amount provided in law or rule for the specific violation, whichever is less. It also proposed to lower the maximum forfeiture assessed for failure to respond to a survey to \$50 and to clarify that the \$50 penalty relates to failure to provide information relating to determination of the prevailing wage and benefits. The amendment also proposed to classify rules to implement the assessment of forfeitures as major substantive rules.

**House Amendment "A" to Committee Amendment "A" (H-327)** proposed to correct a section number designation.

#### *Enacted law summary*

Public Law 1999, chapter 181 allows the Director of the Bureau of Labor Standards to assess a civil forfeiture for violation of employment and child labor laws. The amount of the forfeiture may not exceed \$1,000 or the amount allowed as a penalty for the specific violation, whichever is less. The law also requires the director to adopt rules governing administration of the penalty, including a right to appeal the penalty and a range of penalties taking into consideration the size of the employer's business, the good faith and prior history of the employer, and the gravity of the

violation. It also provides for a forfeiture of up to \$50 for failure to provide information requested by the department for the purpose of determining the prevailing wage and benefits.

**LD 987                      An Act to Validate Voluntary Collective Bargaining Provisions that May Affect Educational Policies                      CARRIED OVER**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u>		<u>Amendments Adopted</u>
----------------------------	--	-------------------------	--	---------------------------

LD 987 proposes to allow teachers and public employers to include educational policy issues in their negotiations for a collective bargaining agreement. It provides that the parties are not required to negotiate on those issues, but provides that educational policy issues agreed to by the parties and included in the collective bargaining agreement would be enforceable. It also proposes to rewrite the section of law relating to these issues to clarify language.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

**LD 995                      Resolve, Directing the Maine State Retirement System to Provide Each Member with a Statement of Account No Later Than December 31, 1999                      ONTP**

<u>Sponsor(s)</u> HARRIMAN BERRY R		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
--	--	---------------------------------	--	---------------------------

LD 995 proposed that the Maine State Retirement System prepare and deliver before December 31, 1999 a member's statement of account to every vested and nonvested member of the system stating the member's contributions and benefits accrued at the date of the statement. The resolve would have directed the Maine State Retirement System to prepare each member's statement of account on a date as close to December 31, 1999 as practical that still allows for the statements to be delivered before a possible computer disruption on January 1, 2000. The issue raised by the bill will be considered with LD 1091 which has been carried over to next session.

**LD 1016                      An Act to Require That a Translator Be Available to Employees In the Workers' Compensation Process                      PUBLIC 202**

<u>Sponsor(s)</u> HATCH MILLS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-262
-------------------------------------	--	-----------------------------------	--	------------------------------------

LD 1016 proposed to require the Workers' Compensation Board to provide or pay the cost of an interpreter during workers' compensation proceedings for an employee who is not fluent in English. It also proposed to require the board to share the services of interpreters in the Department of Labor to the extent possible.

**Committee Amendment "A" (H-262)** proposed to direct the Workers' Compensation Board to seek advice in locating interpreters from the Department of Labor, rather than requiring the board to use interpreters employed by the department.

*Enacted law summary*

Public Law 1999, chapter 202 requires the Workers' Compensation Board to provide or pay the cost of an interpreter during workers' compensation proceedings for an employee who is not fluent in English. It also directs the board to seek advice from the Department of Labor in locating interpreters.

**LD 1017**                      **An Act to Ensure That Funds Received from Penalties Due to Lack of Workers' Compensation Coverage Go to the Workers' Compensation Board**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH MILLS	ONTP	

LD 1017 proposed to require that penalties paid by employers for failure to secure workers' compensation coverage be paid to the Workers' Compensation Board Administrative Fund, to be used to reimburse an employee for mileage incurred to undergo a medical examination required by an employer or the employer's insurer.

**LD 1018**                      **An Act to Amend the Prevailing Wage Laws**                      **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH RUHLIN	ONTP      MAJ OTP      MIN	

LD 1018 proposed to require contractors subject to the prevailing wage laws to keep payroll records on the work site and to make the records available to labor department officials and the public to enable them to oversee compliance with the prevailing wage law.

**LD 1019**                      **An Act to Limit Mandatory Overtime**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH RUHLIN		

LD 1019 proposes to limit mandatory overtime to 40 overtime hours in a 2-week period. The bill proposes to define overtime as any time over 8 hours in a day and any time over 40 hours in a week.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

**LD 1033**                      **An Act to Allow Former Employees of Head Start Credit in the Maine State Retirement System**                      **PUBLIC 250**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RINES	OTP-AM	H-360



LD 1033 proposed to authorize state employee and teacher members of the Maine State Retirement System who formerly were employed by a Head Start program to purchase up to four years of service credit for that employment to be used in calculating retirement benefits.

**Committee Amendment "A" (H-360)** proposed to reduce from four to two years the amount of service credit for prior service that may be purchased by former Head Start employees under the provisions of the bill.

***Enacted law summary***

Public Law 1999, chapter 250 authorizes state employee and teacher members of the Maine State Retirement System who formerly were employed by a Head Start program to purchase up to two years of service credit for that employment to be used in calculating retirement benefits.

**LD 1046                      An Act to Prohibit the Employment of Professional Strikebreakers                      VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMSON	OTP-AM      MAJ	H-484
DOUGLASS	ONTP        MIN	

LD 1046 proposed to prohibit a company or organization from recruiting or employing replacement workers during a labor dispute if the company or organization has been involved in recruiting or hiring 100 or more such strikebreakers on at least 3 occasions within the previous 5 years. The bill proposed to allow the prohibition to be enforced through a civil action filed by any interested party. The employment of replacement workers as security guards or as maintenance workers would be exempt from the prohibition, as would the employment of permanent employees who choose to work during a strike.

The bill also proposed to repeal the fine and imprisonment penalty under current law for employing during a strike a person who customarily and repeatedly offers services in place of a striking worker.

**Committee Amendment "A" (H-484)** proposed to change the prohibition on professional strikebreaking activity to apply to a person who has supplied 10 or more strikebreakers on 2 or more occasions within the previous 20 years. It also proposed to allow for the recovery of attorney's fees and penalties for the prevailing plaintiff. Finally, it proposed to exempt activities necessary to prevent continuing substantial adverse impact on the employer.

**LD 1047                      An Act to Increase the Penalty for Failure to Secure Workers'                      ONTP  
Compensation Insurance**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH	ONTP	

LD 1047 proposed to amend the workers' compensation laws to add a penalty for failure to procure workers' compensation insurance, in an amount equal to twice the amount it would have cost the employer to procure the insurance. This penalty would be paid to the Employment Rehabilitation Fund.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM MAJ	S-275 LAFOUNTAIN
BERRY R	ONTP MIN	

LD 1054 proposed to require physicians and surgeons selected by employers to give opinions in workers' compensation cases to be certified in the field of practice that treats the type of injury complained of by the employee. The physician or surgeon would also be required to have an active practice of treating patients, which could be demonstrated by having treating privileges at a hospital.

**Committee Amendment "A" (S-218)** proposed to allow a physician or surgeon to continue to perform examinations for up to 2 years after discontinuing an active practice.

**Senate Amendment "A" (S-275)** proposed to allow chiropractors licensed by the Board of Chiropractic Licensure to give 2nd opinions in cases where the initial opinion was given by a chiropractor, when they meet the "active practice" requirement applicable to other health care providers giving 2nd opinions. It also proposed to allow a physician, surgeon or chiropractor to continue to be qualified to give 2nd opinions for 2 years after discontinuing an active practice.

#### *Enacted law summary*

Public Law 1999, chapter 365 requires physicians, surgeons and chiropractors selected by employers to give 2nd opinions in workers' compensation cases to have an active practice of treating patients or have discontinued active practice within 2 years of performing the examination. "Active practice" may be demonstrated by having hospital privileges. It also requires a physician or surgeon to be certified in the field of practice that treats the type of injury complained of by the employee and allows chiropractors who are licensed by the Board of Chiropractic Licensure to give 2nd opinions when the initial opinion was rendered by a chiropractor.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM	S-156
CAMERON		

LD 1055 proposed to establish new cutoff levels for screening and confirmation tests for marijuana. The bill proposed cutoff levels of 50 nanograms and 15 nanograms of delta-9-tetrahydrocannabinol-9-carboxylic acid per milliliter of urine for screening and confirmation tests respectively.

**Committee Amendment "A" (S-156)** proposed to remove the screening test cutoff level for drug testing for marijuana set in the bill. The cutoff level for screening tests would continue to be set by rule adopted by the Department of Human Services. The amendment proposed to retain the reduction in the cutoff level for confirmation tests set in the bill.

#### *Enacted law summary*

Public Law 1999, chapter 199 establishes new cutoff levels for confirmation tests for marijuana use in employee substance abuse testing programs. The cutoff level for confirmation tests is 15 nanograms of delta-9-tetrahydrocannabinol-9-carboxylic acid per milliliter of urine. The cutoff level for screening tests for marijuana use will be continue to be set by DHS rule.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM      MAJ	S-241
	ONTP        MIN	

LD 1067 proposed several changes to workers' compensation law. It proposed to increase the salary range for Workers' Compensation Board deputy directors from range 82 to 85 and to remove the job titles currently contained in the statutes. The bill also proposed to repeal the provision that reduces death benefits payable to dependents who are aliens residing outside the United States or Canada. The bill also proposed to define audit working papers and provide that they are confidential.

The bill proposed to require the filing of a wage statement within 30 days after an employer has notice or knowledge of a claim for incapacity benefits. This bill proposed that a case in which a request for an order has been ruled upon by a hearing officer may not be referred to mediation, but must remain with the hearing officer to be scheduled for a hearing.

The bill proposed to provide a basic 2-year statute of limitations for workers' compensation actions and also provide that the payment of benefits, either with or without prejudice, extends the statute of limitations to 6 years after the last payment. It also proposed to provide a 6-year statute of limitations in cases when the occurrence of a work-related injury is established by board decree, mediation report or agreement of the parties, even if no benefits are paid.

The bill proposed to increase the fine for not securing required workers' compensation coverage to ensure that it is more expensive to be fined for not having coverage than it is to secure workers' compensation coverage. This bill proposed to eliminate Bureau of Insurance arbitration proceedings and places jurisdiction over apportionment issues with the Workers' Compensation Board, thus allowing hearing officers to decide these issues.

This bill was submitted on behalf of the Workers' Compensation Board.

**Committee Amendment "A" (S-241)** proposed to place the job titles of the current Workers' Compensation Board deputy directors in statute in addition to raising their salary range to 85. It also proposed to delete a section of the bill relating to death benefit payments, since that section is included in a separate legislative document.

It proposed to rewrite the provision relating to the time for filing petitions to clarify current law and make that clarification applicable to injuries occurring on or after January 1, 1993. The amendment also proposed to ensure that certain information supporting the conclusions of an audit would become public along with the final audit report.

#### ***Enacted law summary***

Public Law 1999, chapter 354 was submitted on behalf of the Workers' Compensation Board. It increases the salary range for deputy directors of the Workers' Compensation Board from range 82 to 85. The law also defines audit working papers and provides that they are confidential, but provides that supporting documents become public when the final report becomes public. The law requires the filing of a wage statement within 30 days after an employer has notice or knowledge of a claim for incapacity benefits pursuant to Title 39-A, section 212, 213 or 215, unless a wage statement has previously been filed.

This law provides that cases in which a request for an order has been ruled upon may not be referred to mediation, but must remain with the hearing officer to be scheduled for a hearing. The law increases the fine for not securing required workers' compensation coverage to ensure that it is more expensive to be fined for not having coverage than it is to secure workers' compensation coverage. This law eliminates Bureau of Insurance arbitration proceedings and places jurisdiction over apportionment issues

with the Workers' Compensation Board, thus allowing hearing officers to decide these issues.

**LD 1091**                      **An Act to Amend Maine State Retirement System Rules to Allow Monthly Partial Direct Service Payments to Purchase Service Credit**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE DAGGETT		

LD 1091 proposes that annual payments for purchase of service credits by members of the Maine State Retirement System may be made either by a single yearly payment or by periodic payments through payroll deduction. Service credits may also be purchased by a single lump-sum, which is unaffected by this bill.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

**LD 1117**                      **An Act to Repeal Bedding, Upholstered Furniture and Stuffed Toys Laws**                      **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH	OTP-AM	

LD 1117 proposed to repeal the state bedding, upholstered furniture and stuffed toys laws.

This bill was submitted on behalf of the Department of Labor.

**LD 1133**                      **An Act to Reward Academic Excellence for Students Who are 16 and 17 Years of Age**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL CAREY	ONTP      MAJ OTP-AM      MIN	

LD 1133 proposed to increase the number of hours a minor may work when school is in session from 20 hours to 30 hours per week, if the minor maintains a grade average of 80% or better. The bill also proposed to increase the hours a minor may work on a school day from four to six hours and decrease the hours per day when not in school from 10 to eight hours.

**Committee Amendment “A” (H-404)**, the minority report of the committee, proposed to remove the section of the bill that lowers the number of hours a student may work per day when not in school. (not adopted)

**LD 1165****An Act Regarding the Retirement Plan for Rangers in the Law Enforcement Bargaining Unit at Baxter State Park****CARRIED OVER**

Sponsor(s)  
MICHAUD  
STANLEY

Committee Report

Amendments Adopted

LD 1165 proposes to permit law enforcement officers currently employed by the Baxter State Park Authority to retire at age 50 after 25 years of service and to retain the current option to choose, instead, to retire at age 55 after 25 years of service. LD 1376 which was enacted as Public Law 1999, c. 493 provides prospective coverage for BSPA rangers under the 1998 Special Plan.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

**LD 1166****An Act to Establish Occupational Health and Safety Standards for Operators of Video Display Terminals****CARRIED OVER**

Sponsor(s)  
RAND  
HATCH

Committee Report

Amendments Adopted

LD 1166 proposes to establish workplace standards with respect to video display terminals, including requirements for glare-reduction, swivel chairs, flexible work breaks and paid leave for vision examinations.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

**LD 1232****An Act to Amend the Definition of "Employment" in the Unemployment Compensation Law****PUBLIC 389**

Sponsor(s)  
DUNLAP  
CATHCART

Committee Report  
OTP-AM A  
OTP-AM B  
OTP-AM C

Amendments Adopted  
H-502  
S-319 MILLS

LD 1232 proposed to exclude services performed by a free-lance journalist from the definition of "employment" for purposes of unemployment compensation.

**Committee Amendment "A" (H-502)**, the majority report of the committee, proposed to refine the description of services by a free-lance journalist that will not be covered by unemployment compensation contributions or benefits. It also proposed to add a section to provide that agricultural work performed by aliens under a federal program are not covered by unemployment contributions or benefits.

**Committee Amendment "B" (H-503)**, a minority report of the committee, proposed to replace the bill. It proposed to add a section to unemployment compensation law to provide that agricultural work performed by aliens under a federal program is not covered by unemployment contributions or benefits. (not adopted)

**Committee Amendment "C" (H-504)**, a minority report of the committee, proposed to refine the description of services by a free-lance journalist that will not be covered by unemployment compensation contributions or benefits. (not adopted)

### *Enacted Law Summary*

**LD 1237**                      **An Act to Protect the Right of Employees to Freely Decide Whether to Support Labor Organizations**                      **ONTP**

**Committee Amendment “A” (H-501)**, the minority report of the committee, proposed to add an appropriation section and a fiscal note to the bill. (not adopted)

**Office of Policy and Legal Analysis**

This bill has been carried over to the Second Regular Session of the 119th Legislature.

**LD 1350**                      **An Act to Exclude Intentional Tort Claims from the Application of the  
Maine Workers' Compensation Act of 1992**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH CATHCART	ONTP	

LD 1350 proposed to allow an employee to pursue an action outside of the workers' compensation law for injuries arising out of an intentional act against that employee.

**LD 1351**                      **An Act to Require that Members of the Workers' Compensation Board  
be Subject to Review by the Joint Standing Committee on Labor**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH CATHCART	OTP    MAJ ONTP   MIN	

LD 1351 proposed that review of gubernatorial nominations to the Workers' Compensation Board be performed by the Joint Standing Committee on Labor instead of by the Joint Standing Committee on State and Local Government, as required by current law. This bill was reported out of the Labor Committee with a divided report, then referred to the Joint Standing Committee on State and Local Government, which voted that the bill ought not to pass.

**LD 1352**                      **An Act to Ensure that Workers' Compensation Death Benefits are Paid  
to Dependents Without Regard to Country of Residence**                      **PUBLIC 201**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH CATHCART	OTP-AM	H-263

LD 1352 proposed to prohibit reduction of workers' compensation benefits payable to an employee because the employee is not a United States citizen.

**Committee Amendment "A" (H-263)** proposed to repeal the law that reduces death benefits payable to dependents of employees who die due to workplace injuries when those dependents are aliens who live outside the United States or Canada. The amendment also proposed to make the change retroactive to June 1, 1998.

***Enacted law summary***

Public Law 1999, chapter 201 repeals the law that reduces death benefits payable to dependents of employees who die due to workplace injuries when those dependents are aliens who live outside the United States or Canada. The change is effective retroactive to June 1, 1998.

**LD 1353****An Act to Amend the Workers' Compensation Laws as They Pertain to Wage Statements****ONTP**Sponsor(s)  
HATCH  
CATHCARTCommittee Report  
ONTPAmendments Adopted

LD 1353 proposed to amend the due date for an employer to file a wage statement for an employee who is receiving compensation payments. The proposed due date was 15 days after the employer had knowledge of the employee's injury or death for which compensation was being paid.

**LD 1357****Resolve, to Create a Commission to Study the Hearing Process of the Workers' Compensation Board****CARRIED OVER**Sponsor(s)  
HATCH  
CATHCARTCommittee ReportAmendments Adopted

LD 1357 proposes to create a commission to study issues related to the workers' compensation hearing process, including the length of time needed to finally resolve cases.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

**LD 1358****An Act to Promote Stability in Labor Management Relations in the Public Sector****CARRIED OVER**Sponsor(s)  
HATCH  
CATHCARTCommittee ReportAmendments Adopted

LD 1358 proposes to amend the public employee labor relations laws to provide that the terms and conditions of an expired collective bargaining agreement remain in effect until a new contract is executed.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

**LD 1359****An Act to Make the Unemployment Compensation Program More Responsive to the Needs of Today's Workforce and to Ensure the Solvency of the Unemployment Compensation Trust Fund****ONTP**Sponsor(s)  
HATCH  
CATHCARTCommittee Report  
ONTPAmendments Adopted



LD 1359 proposed to amend the unemployment compensation laws to provide access to unemployment compensation benefits for seasonal workers, persons who must restrict their work hours to part-time for good cause, and to persons who leave work because of lack of child care or transportation. It also proposed to increase the taxable wage base to \$16,000 and to adopt an array system to distribute tax rates among employers and to address the system's solvency problems.

**LD 1376**                      **An Act to Expand the Uniform 1998 Special Retirement Plan to Include  
Baxter State Park Authority Rangers, Fire Marshals and Certain  
Additional Correctional Employees**                      **PUBLIC 493**

<u>Sponsor(s)</u> MCALEVEY PENDLETON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-687
--	-----------------------------------	------------------------------------

LD 1376 proposed to amend the 1998 Special Plan under the Maine State Retirement System to include any employee of the Department of Corrections who is employed in a correctional facility or whose duties involve contact with prisoners, probationers, parolees or juveniles.

**Committee Amendment "A" (H-687)** proposed to replace the bill and extend coverage of the 1998 Special Retirement Plan. Like the bill, the amendment proposed providing coverage under the special plan for Department of Corrections employees working inside correctional facilities other than the Maine State Prison, departmental employees working outside correctional facilities having contact with prisoners, parolees, probationers and juvenile offenders, and employees of the department supervising such employees. The amendment also proposed extending special plan coverage to Baxter State Park Authority rangers, the State Fire Marshal, fire marshal inspectors and fire marshal investigators. (Both of these changes were the result of proposals in other bills--LD 1747 for fire marshals and LD 1165 for BSPA rangers.) All of the changes provided in the amendment would begin January 1, 2000.

***Enacted law summary***

Public Law 1999, chapter 493 extends eligibility for coverage by the 1998 Special Plan under the Maine State Retirement System to Department of Corrections employees working inside correctional facilities other than the Maine State Prison, departmental employees working outside correctional facilities having contact with prisoners, parolees, probationers and juvenile offenders, and employees of the department supervising such employees. Chapter 493 also extends special plan coverage to Baxter State Park Authority rangers, the State Fire Marshal, fire marshal inspectors and fire marshal investigators. All of the changes provided in the law begin January 1, 2000.

**LD 1377**                      **Resolve, Directing the Department of Labor to Establish Standards for  
Providing Heat in Buildings**                      **CARRIED OVER**

<u>Sponsor(s)</u> BOLDUC	<u>Committee Report</u>	<u>Amendments Adopted</u>
-----------------------------	-------------------------	---------------------------

LD 1377 proposes to direct the Department of Labor to develop standards for employers to follow in providing heat in buildings occupied by employees.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAGDON	OTP-AM	H-362

LD 1383 proposed to allow employers to maintain personnel records in any form including paper, microfiche or electronic form and to require the employer to take adequate steps to ensure the integrity and confidentiality of the records.

**Committee Amendment "A" (H-362)** proposed to require an employer who keeps records in a form other than paper to have available the equipment necessary to review and copy personnel files. It also proposed to allow the Department of Labor, as well as an employee or former employee, to bring an action for equitable relief for violations of the law.

#### *Enacted law summary*

Public Law 1999, chapter 235 allows employers to maintain personnel records in any form including paper, microfiche or electronic form and requires an employer who keeps records in a form other than paper to have equipment available for reviewing and copying the personnel files. It also allows the Department of Labor, as well as an employee or former employee, to bring an action for equitable relief for violations of the law.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRIMAN	ONTP MAJ OTP-AM MIN	

LD 1444 proposed that Legislators be required to pay 10% of their health and dental insurance and 60% of their dependents' health insurance premiums. Currently the State pays 100% of Legislators' health and dental plan premiums and 50% of their dependents' health insurance premiums.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRIMAN	ONTP MAJ OTP-AM MIN	

LD 1445 proposed to eliminate state-paid health insurance benefits for retired Legislators who were first elected in 1992 or later.

**LD 1448****An Act to Eliminate the Legislative Retirement System****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRIMAN	ONTP MAJ OTP-AM MIN	

LD 1448 proposed to eliminate the Maine Legislative Retirement System for legislators who are not vested on December 31, 1999. After that date, current Legislators who were not vested would not remain members of the system and future Legislators would have been required to join either a 401(a) defined contribution plan or a 457 deferred compensation plan or both. The plans were to be administrated by the Maine State Retirement System. The bill proposed that legislators contribute at least 7.5% of their compensation to one of the plans; additional contributions above that level would be subject to federal law. The State would have been required to contribute to the plans on behalf of Legislators at the same rate as Legislators up to the contribution rate for employers under the United States Social Security Act. Any gains realized by the Maine State Retirement System as a result of this bill were to be used to reduce the unfunded liability of the Maine State Retirement System attributable to state employees and teachers. See also LD 2041.

**LD 1463****An Act to Require the Department of Labor to Pay for Workers' Compensation Related Translation Services****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAGDON MITCHELL B	ONTP	

LD 1463 proposed to require the Department of Labor to pay for an interpreter during workers' compensation proceedings for an employee who is not fluent in English. See also LD 1016.

**LD 1510****An Act to Clarify the Medical Fee Schedule in Workers' Compensation Cases****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B BROOKS	ONTP MAJ OTP MIN	

LD 1510 proposed to prohibit unpaid medical claims recovered in workers' compensation cases from being reduced by contingent attorney's fees.

**LD 1512****An Act to Amend Maine's Family and Medical Leave Law****VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART HATCH	OTP-AM MAJ ONTP MIN	H-576 HATCH S-217 S-323 DOUGLASS

LD 1512 proposed to expand the family and medical leave law to allow parents to take leave from work to care for a child with a bona fide medical problem, to attend a child's medical and dental appointments and to attend parent-teacher conferences.

**Committee Amendment "A" (S-217)** proposed to add an appropriation section and a fiscal note to the bill.

**House Amendment "A" (H-576)** proposed to remove language allowing leave to an employee for a child with a bona fide medical problem. It also proposed to limit an employee to no more than 24 hours of family medical leave in each calendar year for attending necessary medical and dental appointments of a child and no more than 24 hours of family medical leave in each calendar year for attending parent-teacher conferences in a child's school.

**Senate Amendment "B" to House Amendment "A" (S-323)** proposed to limit to not more than a total of 24 hours annually the family medical leave available for attending necessary medical and dental appointments of a child and for attending parent-teacher conferences in a child's school. It also proposed to clarify that the 30 days' notice of the intended date upon which family medical leave will commence for attending necessary medical and dental appointments of a child or for attending parent-teacher conferences in a child's school is not necessary if the notice could not reasonably be provided within the 30 days.

**LD 1547                      Resolve, to Modify the Retirement Laws for a Certain School Principal                      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
USHER	ONTP      MAJ	
O'GARA	OTP-AM      MIN	

LD 1547 proposed that the Maine State Retirement System retirement benefits of Westbrook High School Principal Peter Curran be calculated using the pre-June 30, 1993 definition of "earnable compensation". That would have exempted Mr. Curran from application of the 5% and 10% caps on increases in earnable compensation that apply to other retirees when his or her retirement benefits are calculated.

**LD 1571                      An Act to Protect the Rights of Employees Who Volunteer Time As Firefighters                      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JONES	ONTP	

LD 1571 proposed to prohibit an employer from penalizing an employee who is absent from work to perform volunteer firefighting duties if the employee provided proper notice to the employer.

**LD 1614                      An Act to Increase the Health Benefits for Retired Educators                      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS	ONTP	

LD 1614 proposed that the State contribute 100% of the cost of health insurance for retired educators. See also LD's 23, 829 and 1730.

**LD 1616****An Act Regarding the Calculation of Maine State Retirement System Benefits****ONTP**Sponsor(s)  
PARADISCommittee Report  
ONTPAmendments Adopted

LD 1616 proposed that the retirement system use a member's fourth highest year of compensation regardless of when it occurred as the base year in determining whether the 5% and 10% caps on earnings in the last 3 years have been exceeded rather than the year prior to the third highest year. The bill also proposed that in the case of a retiree who exercised a benefit payment option calling for a reduced benefit during the member's lifetime in return for continued payment of a benefit to a designated beneficiary after the retiree's death, the retirement benefit of the retiree must be recalculated if the beneficiary dies before the retiree. Retroactive to July 1, 1996, the retiree's benefit would be recalculated as if the option of full benefit payment had been selected.

**LD 1622****An Act to Restore the Cost-of-living Adjustment for State Employees and Teachers Who Retire Before Normal Retirement Age****ONTP**Sponsor(s)  
SULLIVANCommittee Report  
ONTPAmendments Adopted

LD 1622 proposed to reinstate the cost-of-living adjustment for retirement system members who retire before normal retirement age. Awarding of a COLA was delayed until a retiree reaches normal retirement age by the changes in the retirement plan enacted in 1993. See also LD's 380 and 847.

**LD 1629****An Act to Ensure That Sales Free and Clear of Liens Through Bankruptcy Do Not Result in the Acquisition of a Predecessor Employer's Experience for the Purpose of Contribution Rate Determination****PUBLIC 191**Sponsor(s)  
MITCHELL B  
POVICHCommittee Report  
OTP-AMAmendments Adopted  
S-139

LD 1629 proposed that an employer who purchases a business free and clear of liens through bankruptcy does not acquire the payroll record and experience rating records of that employer for purposes of determining contributions to the Unemployment Compensation Fund.

**Committee Amendment "A" (S-139)** proposed that a successor employer who takes over a business after bankruptcy does not acquire the contribution rate of the predecessor employer if the business was purchased free and clear of liens and the business contribution rate was higher than the state average. In such a case, the amendment proposed that the successor employer be assigned the state average contribution rate.

***Enacted law summary***

Public Law 1999, chapter 191 provides that a successor employer is assigned the state average contribution rate for purposes of determining the contribution to the Unemployment Compensation Fund if the successor employer purchases

the business after bankruptcy free and clear of liens and the contribution rate of the business was higher than the state average. Otherwise, a successor employer who takes over after bankruptcy obtains the payroll records and experience rating records of the predecessor employer.

**LD 1630**                      **An Act to Fully Comply with the Requirements of the Older Workers  
Benefit Protection Act**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY GOODWIN	ONTP	

LD 1630 proposed to require the Maine State Retirement System to contact members of the system who in 1992 were eligible but failed to exercise their option to be covered by the system's disability plan as amended to meet the requirement of the federal Older Workers Benefits Protection Act or to remain covered by the previous disability plan. The bill would have required the Maine State Retirement System to get a written response from each member who previously failed to exercise the option and report to the Joint Standing Committee on Labor on the results of its activities.

**LD 1648**                      **An Act Restoring the Right to Sue to Workers Injured Due to Gross  
Negligence**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH DOUGLASS	ONTP	

LD 1648 proposed to allow an injured employee to sue the employer for damages if the injury was caused by the gross negligence or illegal act of the employer.

**LD 1659**                      **Resolve, to Investigate State Purchasing of Goods and Services Produced  
under Conditions that Violate International Standards of Human Rights**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART	ONTP	

LD 1659 proposed to direct the Bureau of General Services within the Department of Administrative and Financial Services to review its purchasing practices to identify goods and services produced under conditions that violate international human rights, labor or environmental standards.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM MAJ	S-242
COLWELL	ONTP MIN	S-413 MICHAUD

LD 1718 proposed to create the Peer Support Program for Displaced Workers within the Department of Labor to provide advocacy and information to employees affected by significant layoffs. Under the program, the department would initiate a peer support project and hire peer support workers when layoffs of 100 or more employees occur or when 50 or more employees are laid off and a project is warranted by the nature of the workforce or the community.

**Committee Amendment "A" (S-242)** proposed to add an appropriation and a fiscal note to the bill.

**Senate Amendment "A" to Committee Amendment "A" (S-413)** proposed to amend the bill to account for the fact that a pilot program for peer support was funded in the "Part 2" budget, Public Law 1999, chapter 401, Part RR. The amendment proposed to clarify that the Department of Labor is authorized to use existing funds or apply for federal funding to continue the Peer Support Program for Displaced Workers beginning July 1, 2000. It also proposed to require the Department of Labor to report to the Joint Standing Committee on Labor on the status of the pilot program funded in the "Part 2" Budget, along with the availability of any funding to continue the program. The amendment also proposed to eliminate the General Fund appropriation.

***Enacted law summary***

Public Law 1999, chapter 506 authorizes the Department of Labor to create a Peer Support Program for Displaced Workers, to provide advocacy and information to employees affected by significant layoffs. Under the program, the department will initiate a peer support project and hire peer support workers when layoffs of 100 or more employees occur or when 50 or more employees are laid off and a project is warranted by the nature of the workforce or the community. The program may be operated within existing resources, and the department may use any available resources and may apply for federal grants for the program. The Department of Labor is also required to report to the Joint Standing Committee on Labor by January 14, 2000 on the status of a pilot peer support program funded in the "Part 2" budget, PL 1999, chapter 401, Part RR.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART HATCH		

LD 1730 proposes to increase the State's contribution for health insurance for retired educators from 30% to 35% beginning January 1, 2000 and from 35% to 40% beginning January 1, 2001.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

**LD 1731****An Act to Allow Minors to Work Over the Labor Day Weekend****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE	ONTP      MAJ OTP-AM    MIN	

LD 1731 proposed to allow a minor to work up to 10 hours a day for each day of the three-day Labor Day weekend.

**Committee Amendment “A” (S-188)**, the minority report of the committee, proposed to add an appropriation section and a fiscal note to the bill. (not adopted)

**LD 1747****An Act to Amend the Retirement Plan for Maine State Troopers****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J PARADIS	ONTP	

LD 1747 proposed to remove state police troopers from the provisions of the 1998 Special Plan and to allow a trooper to qualify for benefits under the Maine State Retirement System if the trooper was hired after August 31, 1984 and has 25 years of creditable service, with no age requirement.

**LD 1748****An Act to Correct Inconsistencies within the Maine State Retirement System****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE CATHCART	ONTP	

LD 1748 proposed to add investigators and inspectors employed by the Department of Public Safety, Office of the State Fire Marshal to the 1998 Special Retirement Plan. The substance of the bill was included in LD 1376.

**LD 1767****An Act to Allow Recovery of Provisional Payments by Employee Benefit Plans CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO LAFOUNTAIN		

LD 1767 proposes to allow an employer or organization making provisional payments through a self-funded health plan or employee welfare benefit plan to recover those payments from the disability retirement benefit due the member.

This bill has been carried over to the Second Regular Session of the 119th Legislature.



**LD 1768****An Act to Change the Child Labor Laws****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TESSIER	ONTP MAJ	
	OTP-AM MIN	

LD 1768 proposed to allow students to work more than 18 hours per week during scheduled vacations.

**Committee Amendment “A” (H-353)**, the minority report of the committee, proposed to add an appropriation section and a fiscal note to the bill. (not adopted)

**LD 1781****An Act Relative to Freedom of Employment in the Broadcasting Industry****PUBLIC 406**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE	OTP-AM MAJ	S-282
ROWE	ONTP MIN	

LD 1781 proposed to prohibit employment restrictions in the broadcasting industry that seek to restrict competition by requiring employees, as a condition of employment, to agree not to work in a specified geographic area for a specified period of time after their employment with a broadcasting industry employer.

**Committee Amendment "A" (S-282)** proposed to replace the bill. It proposed to provide that a “noncompete clause” in a broadcast industry contract is presumed unreasonable if it applies at expiration of the contract or upon termination of employment without fault of the employee.

***Enacted law summary***

Public Law 1999, chapter 406 specifies that a provision in a broadcast industry contract is presumed unreasonable if it prohibits a person from being employed in a certain geographic area for a certain period of time after the contract expires or after employment is terminated without fault of the employee.

**LD 1790****An Act to Amend the Laws Governing the Designation of a Beneficiary of Maine State Retirement System Benefits****CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURRAY		

LD 1790 proposes to remove the restrictions on who may be named as beneficiary of reduced retirement benefits, allowing the recipient to name anyone as a beneficiary. The bill continues the current requirement that the original beneficiary be informed by the Maine State Retirement System that the recipient is changing the beneficiary.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

**LD 1805****An Act to Ensure Prompt Payment of Unemployment Compensation Benefits to Displaced Workers****PUBLIC 376**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM MAJ	S-216
COLWELL	ONTP MIN	S-267 DOUGLASS

LD 1805 proposed to require the employer of a full-time employee who works less than full-time hours due to lack of work to give that employee a properly filled out unemployment compensation claim form.

**Committee Amendment "A" (S-216)** proposed to replace the bill. It proposed to rewrite and simplify the requirement that employers give properly completed partial unemployment claim forms to full-time employees who are given no work or less than full-time work during a week due to a lack of work available.

**Senate Amendment "A" to Committee Amendment "A" (S-267)** proposed to provide that partial unemployment claim forms for a week must be provided to eligible employees no later than the day that the pay for that week is available to employees.

***Enacted law summary***

Public Law 1999, chapter 376 requires an employer to give an employee a properly filled out partial unemployment claim form if the employee is a full-time employee who does not work or works less than full-time hours due to lack of work. The form must be given to the employee no later than the day that the pay for that week is available to employees.

**LD 1864****An Act Concerning the Political Use of Union Dues****CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARVIN		

LD 1864 proposes to prohibit an employer from withholding wages to be used for political purposes and to prohibit a labor organization from using dues or fees for political purposes unless the withholding and use are authorized by the employee.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

**LD 1891****An Act to Increase the Minimum Wage****VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE	OTP-AM MAJ	S-280
HATCH	OTP-AM MAJ	

LD 1891 proposed to increase the minimum wage to \$5.50 per hour, effective November 1, 1999. It also proposed that the state wage increase to an amount 35¢ above the federal minimum wage if the federal minimum is increased above the current \$5.15 per hour rate.

**Committee Amendment "A" (S-280)**, the majority report of the committee, proposed to increase the minimum wage to \$5.65 on November 1, 1999 and \$6.15 on November 1, 2000. The amendment proposed that, if the federal minimum wage were higher than the level set by the State at any time, the federal minimum wage would become the State's minimum wage as well.

**Committee Amendment "B" (S-281)**, the minority report of the committee, proposed to update the language of the minimum wage law and provide that the state minimum wage is the higher of the state and federal minimum wages. (not adopted)

**LD 1897                      An Act to Increase the Maximum Benefit Levels Provided for Injured Workers                      VETO SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH	OTP-AM    MAJ	H-548
CATHCART	ONTP       MIN	

LD 1897 proposed to increase the maximum weekly benefit level under the Maine Workers' Compensation Act of 1992 to the higher of \$600 or 166% of the state average weekly wage, as adjusted annually.

**Committee Amendment "A" (H-548)** proposed to change the maximum benefit level to the state average weekly wage beginning July 1, 2000.

**LD 1908                      An Act to Establish as an Employee Any Person Who Collects Signatures on Petitions for Direct Initiative or People's Veto Legislation for Any Person, Firm or Organization that Contracts, Subcontracts or Agrees to Collect the Signatures for Anything of Value                      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH		
CATHCART		

LD 1908 proposes to clarify that persons who collect signatures on citizen initiative petitions for wages, salaries or anything of value are employees under Maine labor laws, such as workers' compensation and unemployment compensation and their employers are subject to the requirements of those laws.

This bill was submitted on behalf of the Secretary of State.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

**LD 1913****An Act to Ensure Fair Access under the Workers' Compensation Utilization and Review System****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH CATHCART	ONTP	

LD 1913 proposed to repeal the laws requiring an employee's medical care to undergo utilization review under an insurer's standards, and to continue the authority for the Workers' Compensation Board to adopt rules establishing treatment protocols.

**LD 1927****An Act to Ensure that an Eligible Work Force is Promptly Certified for Trade Act Assistance and Has Full Access to Training and Education Services as Provided by Law** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT MCKEE		

LD 1927 proposes to require the Department of Labor to determine eligibility for training assistance under the U. S. Trade Act of 1974 within a specified period of time, and to amend the eligibility requirements to allow a person who is unable to enroll in training due to continuing part-time work with the employer under certain circumstances to receive dislocated worker benefits.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

**LD 1942****Resolve, to Require the Workers' Compensation Board to Reverse Its Decision and Find in Favor of Richard N. Pushard, Sr.****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN L DAGGETT	ONTP MAJ OTP MIN	

LD 1942 proposed to require the Workers' Compensation Board to reverse its decision and find in favor of Richard N. Pushard, Sr.

**LD 1943****An Act to Ensure that Workers Are Informed about Their Employers' Cancellation of Workers' Compensation Insurance****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER E O'GARA	ONTP	

LD 1943 proposed to require employers to notify their employees when the employer's workers' compensation insurance policy is canceled or expires without being renewed, unless the employer has obtained insurance coverage from another insurance company.

**LD 1970**

**An Act to Address the Solvency of the Unemployment Compensation Fund**

**PUBLIC 464**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM    MAJ	H-681
	OTP-AM    MIN	

LD 1970 was submitted pursuant to a law directing the Department of Labor to submit legislation recommending a plan to provide for long-term solvency of the Unemployment Compensation Fund. With respect to unemployment compensation taxes, the bill proposed to raise the taxable wage base from \$7,000 to \$12,000 effective January 1, 2000; establish an array system for determining employer contributions to the Unemployment Compensation Fund; and provide additional authority for the Director of Unemployment Compensation to collect money owed to the Unemployment Compensation Fund by employers.

With respect to unemployment compensation benefits, the bill proposed to base the benefit for persons who begin receiving benefits after January 1, 2000 on the average of the wages from the 2 highest quarters of the base period rather than the highest quarter of the base period; change the types of misconduct for which a person becomes ineligible to receive unemployment compensation; change the provisions related to overpayment of benefits to allow a greater deduction from future benefits when the claimant refuses to repay the amounts due and provide for interest on overpayments; provide for a penalty against benefits obtained through false statements or failure to disclose information when the statement or failure to disclose is knowingly made; and allow the department to withhold benefits for up to 14 days after new information or new issues arise with respect to the claimant's eligibility or benefit amount.

Finally, the bill proposed to allow the department to use the Special Administrative Expense Fund to fund activities that improve the solvency of the Unemployment Compensation Fund.

**Committee Amendment "A" (H-681)**, the majority report of the committee, proposed to redefine the term "misconduct" and change the amount that may be withheld from benefit payments to repay previous overpayments to provide a lower percentage of withholding on the first \$100 of a person's benefit. It also proposed to establish a planned yield and require the Department of Labor to report back to the Legislature by January 1, 2000 with legislation to impose a cap on the amount in the Unemployment Compensation Fund to prevent further increases in the contribution rates when the fund reaches a certain level. The amendment also proposed to delete language allowing the Department of Labor to stop making payments for up to 14 days when a question arises after benefit payments have begun.

**Committee Amendment "B" (H-682)**, the minority report of the committee, proposed to increase the taxable wage base to \$14,000 and to cap contribution rates so that the amount in the Unemployment Compensation Trust Fund would not exceed 12 months' worth of benefits at any time. The amendment also proposed a lower planned yield than the bill, which would result in a lower tax rate. The amendment proposed to amend the definition of "misconduct", increase the maximum portion of benefits that may be withheld to recover overpayments, and provide an 18% interest rate on overpayments that begins accruing on the first of the month following the overpayment. The amendment proposed to change the benefit calculation to 2/47ths of the average of the 2 highest quarters of wages, reduced to 97%, with a maximum of 50% of the average weekly wage. The amendment also proposed to decrease the maximum amount of benefits payable in a benefit year, increase the dependency benefit, and lower the number of weeks that dislocated workers in training programs can obtain extended benefits, except in areas of high unemployment. The amendment proposed a 200% penalty for falsely obtained benefits and provided for 4 weeks of disqualification for each week of falsely obtained benefits. The amendment proposed a lower contribution rate for new employers, required the

department to conduct random audits of claimants and employers, and removed language imposing liability for contributions, fees and interest and penalties on officers, directors and members of an employer

**Enacted law summary**

Public Law 1999, chapter 464 makes several changes with respect to state laws regarding unemployment compensation, to improve the solvency of the Unemployment Compensation Trust Fund. With respect to unemployment compensation taxes, the law raises the taxable wage base from \$7,000 to \$12,000 effective January 1, 2000; establishes an array system for determining employer contributions to the Unemployment Compensation Fund; and provides additional authority for the Director of Unemployment Compensation to collect money owed to the Unemployment Compensation Fund by employers.

With respect to unemployment compensation benefits, the law bases the benefit for persons who begin receiving benefits after January 1, 2000 on the average of the wages from the 2 highest quarters of the base period rather than the highest quarter of the base period; changes the types of misconduct for which a person becomes ineligible to receive unemployment compensation; changes the provisions related to overpayment of benefits to allow a greater deduction from future benefits when the claimant refuses to repay the amounts due and provide for interest on overpayments; provides for a penalty against benefits obtained through false statements or failure to disclose information when the statement or failure to disclose is knowingly made; and allows the department to withhold benefits for up to 14 days after new information or new issues arise with respect to the claimant's eligibility or benefit amount.

Finally, the law allows the department to use the Special Administrative Expense Fund to fund activities that improve the solvency of the Unemployment Compensation Fund.

**LD 1988**

**An Act to Provide for Benefits to Surviving Dependents of Employees Who Die as a Result of Work Injuries**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH CAREY		

LD 1988 proposes to amend the workers' compensation laws regarding compensation payable to the surviving dependents of employees who die as a result of work injuries. The bill provides for an annual adjustment of the weekly compensation so that it continues to have the same percentage relationship to the state average weekly wage as it did at the time of the employee's injury. The bill also proposes to remove the current 500 week maximum limit for receiving compensation and allows payment of compensation until the dependent spouse dies or becomes a dependent of another person. Upon the death of a surviving spouse, this bill proposes to continue compensation for any dependent child under 18 years of age until the child reaches 18 or marries, or longer if the child is physically or mentally handicapped. Weekly compensation that is equal to the same proportion of weekly payments provided to fully dependent people would be provided to dependents who were partially dependent upon the employee's support.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

**LD 1989**                      **An Act to Amend Binding Arbitration to Include Salaries, Pensions and Insurance for State, Legislative and Municipal Employees and to Provide a Process for Voting when a Public Employer's Last Offer is Not Selected**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J		

LD 1989 proposes to amend the public employee labor relations laws to allow for binding arbitration on salaries, pensions and insurance and to create a process for submitting the results of arbitration to the voters or the Legislature for approval.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

**LD 1995**                      **An Act to Clarify the Workers' Compensation Laws Regarding the Agricultural Laborer Exemption**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH KILKELLY		

LD 1995 proposes to clarify that the agricultural employer exemption from workers’ compensation law does not apply to an employer who has employed more than 6 agricultural workers concurrently for 240 person hours per week or more, at any time within the 52 weeks immediately preceding the injury.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

**LD 2041**                      **An Act to Eliminate Legislative Pensions**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	ONTP	

LD 2041 proposed to eliminate the legislative retirement system. See also LD 1448.

**LD 2073**                      **An Act to Amend the Workers' Compensation Laws Pertaining to Attorney's Fees**                      **DIED IN CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH TREAT	OTP      MAJ ONTP      MIN	

LD 2073 proposed to require an employer who is represented by legal counsel in a workers’ compensation proceeding to pay the attorney’s fees of an employee in a workers’ compensation proceeding if the employee prevailed. The employer would not be responsible for the employee’s attorney fees if the employer chose not to be represented by legal counsel or if the employee did not prevail.

**LD 2075**                      **An Act to Amend the Maine Workers' Compensation Act of 1992 as it Pertains to Occupational Health**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER DOUGLASS		

LD 2075 proposes to amend the occupational disease law to require the Workers' Compensation Board to appoint an impartial physician to each occupational disease claims case, extend liability to all employers under which a person was exposed to a substance that causes an occupational disease and to extend the deadline for filing a claim from 90 to 180 days after the occupational disease injury. It also proposes to permit a person to seek compensation for a disease caused by exposure to a variety of chemicals and metals and to remove the 3-year statute of limitations for diseases that occur as a result of exposure to chemicals or metals.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

**LD 2076**                      **An Act to Move the Monitoring, Auditing and Enforcement of Workers' Compensation Payments to the Bureau of Insurance**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY MICHAUD		

LD 2076 proposes to move the responsibility for monitoring, auditing and enforcement of the workers' compensation system from the Workers' Compensation Board to the Bureau of Insurance.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

**LD 2100**                      **An Act to Allow Workers' Compensation Board Advocates to Prioritize and Decline Cases**                      **PUBLIC 410**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS MACDOUGALL	OTP-AM	S-268

LD 2100 proposed to give the Workers' Compensation Board advocates authority to decline or cease assistance to employees under certain circumstances, such as cases in which the statute of limitations has run, essential evidence was missing or under circumstances specified by the Board by rule. The bill also proposed to allow an employee for whom representation ceased or was declined to appeal the decision to the executive director of the board within 30 days.

**Committee Amendment "A" (S-268)** proposed to require written staff attorney approval for advocates to decline representation or present lump-sum settlements on cases. The amendment also proposed to allow hearing officers to find that an employer's refusal to pay benefits was not based on any rational grounds and to provide for a 25% rate of interest in those cases from the date each payment was due, as determined by the hearing officer.

***Enacted law summary***



Public Law 1999, chapter 410 authorizes Workers' Compensation Board advocates to decline or cease assistance to employees under certain circumstances, if the staff attorney approves. Reasons for declining or ceasing representation include lack of essential evidence, running of the statute of limitations, and other reasons that may be specified by Board rule. It allows the employee to appeal the decision to the executive director of the board within 30 days. It also allows hearing officers to find that an employer's refusal to pay benefits was not based on any rational grounds and provides for a 25% rate of interest in those cases from the date each payment was due, as determined by the hearing officer.

**LD 2104**

**An Act to Provide Equity for Unemployment Compensation**

**CARRIED OVER**

Sponsor(s)  
KILKELLY  
RINES

Committee Report

Amendments Adopted

LD 2104 proposes to repeal the law that requires unemployment compensation benefits to be reduced for a person who receives a social security pension based on that person's own work history.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

**LD 2124**

**An Act to Change the State Retirement System from a Defined Benefit Plan to a Defined Contribution Plan**

**CARRIED OVER**

Sponsor(s)  
MACK

Committee Report

Amendments Adopted

LD 2124 proposes to establish a defined contribution retirement plan for state employees and teachers hired on or after July 1, 2000. Active employees on July 1, 2000 have a choice of remaining in the current Maine State Retirement System's defined benefit retirement plan or joining the new plan. Under the defined contribution plan, the employer matches the employee's contribution of 6% of salary. The employee exercises sole authority over selection and management of investment options meeting Internal Revenue Code, Section 401(k) requirements.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

**LD 2147**

**An Act to Ensure Just Cause Termination in Employment**

**CARRIED OVER**

Sponsor(s)  
BRYANT  
CAREY

Committee Report

Amendments Adopted

LD 2147 proposes to prohibit a private employer from terminating the employment of a person without just cause, unless the person has agreed to waive that prohibition in return for an agreement to make a severance payment of a specified amount. The bill proposes to allow an aggrieved employee to seek remedies for wrongful termination through a civil action.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

**LD 2177****An Act to Require the Spouse of a Member of the Maine State Retirement System to Receive the Member's Death Benefits****CARRIED OVER**Sponsor(s)  
HARRIMANCommittee ReportAmendments Adopted

LD 2177 proposes to amend the provisions of the Maine State Retirement System to require that all benefits paid on the death of a participating member are paid to the surviving spouse of that member. The bill also proposes that the spouse of a member may waive this requirement by filing a waiver with the Board of Trustees of the Maine State Retirement System and that if the participating member is not married, then the beneficiary designated by that member receives the benefits.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

**LD 2194****An Act Regarding Doing Business with Burma****CARRIED OVER**Sponsor(s)  
CATHCARTCommittee ReportAmendments Adopted

LD 2194 proposes to require the Commissioner of Administrative and Financial Services to maintain a list of companies doing business with Burma, to prohibit investment of state funds in such companies or in the government of Burma, and to limit the award of public contracts to such companies.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

**LD 2204****An Act to Amend the Calculation of Service Credits Under the Maine State Retirement System Pertaining to the Comprehensive Employment and Training Act of 1973 Employees****PUBLIC 241**Sponsor(s)  
PARADIS  
AHEARNECommittee Report  
OTP-AMAmendments Adopted  
S-177

LD 2204 proposed to amend the calculation of service credits under the Maine State Retirement System to allow state employees and teachers who are former Comprehensive Employment and Training Act of 1973 (CETA) employees hired before July 1, 1979 to purchase service credits by paying the full actuarial cost.

**Committee Amendment "A" (S-177)** proposed a cross-reference clarification and to allow participating local district (PLD) employees who are former CETA employees hired before July 1, 1979 to purchase service credits for their pre-1979 employment in the PLD retirement plan by paying the full actuarial cost. The amendment also added a fiscal note to the bill.

*Enacted law summary*

Public Law 1999, chapter 241 allows state employees, teachers and participating local district employees who are former CETA employees to purchase creditable service under the Maine State Retirement System for CETA employment before July 1, 1979 by paying the full actuarial cost of that service credit. Prior law limited purchase or service credit for CETA employment to employment occurring after July 1, 1979.

**LD 2251                      An Act to Provide Health Insurance Benefits to Dwight Parsons                      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FERGUSON GAGNE		

LD 2251 proposes to provide health insurance benefits under the State Employee Health Insurance Program to Dwight Parsons, a 30-year state employee who did not apply for the State-paid health benefits in time.

This bill has been carried over to the Second Regular Session of the 119th Legislature.